

### **REMARKS/ARGUMENTS**

In the Final Office Action mailed January 19, 2007, claims 1-19 were rejected by the Examiner. Claims 1, 5, 6, 10, 11, 15-19 have been amended. Claims 2-4, 7-9, and 12-14 have been cancelled without prejudice or disclaimer. Applicants reserve the right to present these claims again at another time. Claims 20-29 are added and support of these claims can be found in the specification. No new matter has been added.

Applicants have thoroughly reviewed the outstanding Office Action including the Examiner's remarks and the references cited therein. The following remarks are believed to be fully responsive to the Office Action. All the pending claims at issue are believed to be patentable over the cited references.

### **CLAIM REJECTIONS – 35 U.S.C. §101**

The Examiner rejected claims 16-19 under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. The Examiner states that claims 16-19 are directed to method steps that are using structure recited in apparatus claim 16 and that this is improper because these claims then appear to be directed to both an apparatus and the method of using that apparatus.

The Applicants respectfully disagree with the Examiner. However, in order to advance prosecution, Applicants have amended claims 16-19. Applicants respectfully request withdrawal of the rejection.

### **CLAIM REJECTIONS – 35 U.S.C. §112**

The Examiner rejected claims 16-19 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner states that this is improper because these claims then appear to be directed to both an apparatus and the method of using that apparatus.

The Applicants respectfully disagree with the Examiner. However, in order to advance prosecution, Applicants have amended claims 16-19. Applicants respectfully request withdrawal of the rejection.

### **CLAIM REJECTIONS – 35 U.S.C. §102**

The Examiner rejected claims 1-4, and 6-19 under 35 U.S.C. §102(e) as being anticipated by Li (US 20020072808). The Examiner states that Li discloses a system where a user can enter information concerning a given vehicle and the system can then analyze that information and compare it to a database and displays a prognosis. The Examiner further states that Li discloses that the system can determine the warranty status of the vehicle based on the diagnosis of the problem. Additionally, the Examiner states that Li discloses that the VIN is entered and that databases are used to store the data.

Li discloses a computer-base warranty administration system that includes a dialog manager for collecting service information regarding a vehicle from a user. Abstract. “The system also has an artificial intelligence based reasoning module for analyzing the service information to determine a diagnosis.” Id. “The system further includes a repair processing module for administering warranty-specific service based on the diagnosis and the service information.” Id.

In operation, the Li system uses the dialog manager to collect service information regarding a vehicle from the user via a computer interface locate either at the user's home via network connection (internet) or at the location of service. Page 2, par. 40. The user can enter information such as that a 30,000 mile service is needed and that the car pulls to the right. Page 3, par. 55. "The case based reasoning module analyzes the service information and determines a pre-diagnosis." Page 2, par. 40. "The repair processing module allows the administration of warranty-specific service based on the pre-diagnosis and the service information." Page 2, par. 41. "The case based reasoning module includes a diagnostic module for analyzing the service information with a symptoms database and a cases database." Page 2, par. 42. "The symptoms database contains information regarding automotive symptoms such as "brakes make a grinding noise" or 'idle speed is too high.'" Id. "The cases database contains information regarding automobiles exhibiting automotive symptoms contained in the symptoms database." Id. "For example, the cases database might contain the record that a certain type of vehicle may pull to the right even when the brakes are not applied and that this has been diagnosed as an imbalance in the front end." Id. "The repair processing module includes a warranty analysis module for determining a warranty status based on a vehicle owner database." Page 2, par. 45. "The vehicle owner database contains information regarding vehicle warranties." Id. "For example, the vehicle owner database can include data fields such as vehicle ID, warranty type, date information, and maintenance data." Id.

Thus, as shown above, the user manually enters information regarding the symptoms of the vehicle and system provides a pre-diagnosis or a prognosis of the problem based on the symptoms entered. The system can compare the symptoms with a database to determine whether the pre-diagnosis solution is covered by a warranty. Then the user is directed to a dealer for

warranty service. It should be noted that the information entered is only what the user believes to be a problem and not an actual diagnosis from a vehicle diagnostic equipment. Thus, the vehicle owner can be lead to believe that the service of the vehicle is under warranty, when it may be something that is not covered by a warranty because of the incorrect symptoms (observed and not diagnosed) are being entered into the system. Thus, it is better to use the actual diagnostic information from a vehicle diagnostic equipment instead of from observations of the user or the vehicle owner for a more accurate determination of warranty service.

Thus, Li does not disclose a method for providing vehicle information for use in servicing a vehicle that includes at least the steps of “receiving vehicle diagnostic information into the computerized system directly from a vehicle diagnostic equipment, comparing the received vehicle diagnostic information with reference diagnostic information located by using the entered vehicle identification information, identifying at least one service solution as a result of the comparison,” and “displaying data as a result of the comparison, the at least one service solution and warranty information,” as recited in claim 1. Similarly, Li does not disclose a system for providing vehicle information for use in servicing a vehicle that includes at least “means for entering receiving vehicle diagnostic information into the system from a vehicle diagnostic equipment, means for comparing the received vehicle diagnostic information with reference diagnostic information located by using the entered vehicle identification information, means for identifying at least one service solution as a result of the comparison,” and “means for displaying data as a result of the comparison, the at least one service solution and warranty information,” as recited in claim 6. Additionally, Li does not disclose a system for providing vehicle information for use in servicing a vehicle that includes at least “a data input wherein vehicle diagnostic data is inputted into to the system through a connection with a vehicle

diagnostic equipment,” and “a microprocessor that compares the vehicle diagnostic data received through the vehicle diagnostic equipment with reference diagnostic information from the database and outputs at least one service related solution as a result of the comparison including indicating if the at least one solution is covered by a warranty,” as recited in claim 11. Withdrawal of the rejection is respectfully requested.

Because claims 5 and 20 depend directly or indirectly from claim 1, claims 10 and 21-25 depend directly or indirectly from claim 6, and claims 15-19 and 26-29 depend from claim 11, they are also believed to be patentable.

#### **CLAIM REJECTIONS – 35 U.S.C. §103**

The Examiner rejected claim 5 under 35 U.S.C. (a) as being unpatentable over Li. Because claim 5 depends from claim 1, which is allowable, claim 5 is also allowable. Withdrawal of the rejection is respectfully requested.

#### **CONCLUSION**

In view of the foregoing remarks, Applicants respectfully request that all the objections and rejections to the claims be removed and that the claims pass to allowance. If, for any reason, the Examiner disagrees, please call the undersigned attorney at 202-861-1610 in an effort to resolve any matter still outstanding before issuing another action. The undersigned Attorney is confident that any issue which might remain can readily be worked out by telephone.

Application No. 10/028,722  
Docket No. 87354.1581  
Customer No. 30734

Patent

In the event this paper is not timely filed, Applicants petition for an appropriate extension of time. Please charge any fee deficiencies or credit any overpayments to Deposit Account No. 50-2036 with reference to our Docket No. 87354.1581.

Respectfully submitted,  
**BAKER & HOSTETLER LLP**



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